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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,187	02/12/2004	Toshio Masuda	F0937-US	3078

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EXAMINER

ADAMS, GREGORY W

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/776,187	Applicant(s) MASUDA ET AL.	
	Examiner Gregory W. Adams	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 30, 2006 has been entered.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copies of the priority documents have been received on February 12, 2004. Per Applicant's request, this is noted on form 326 included with this office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

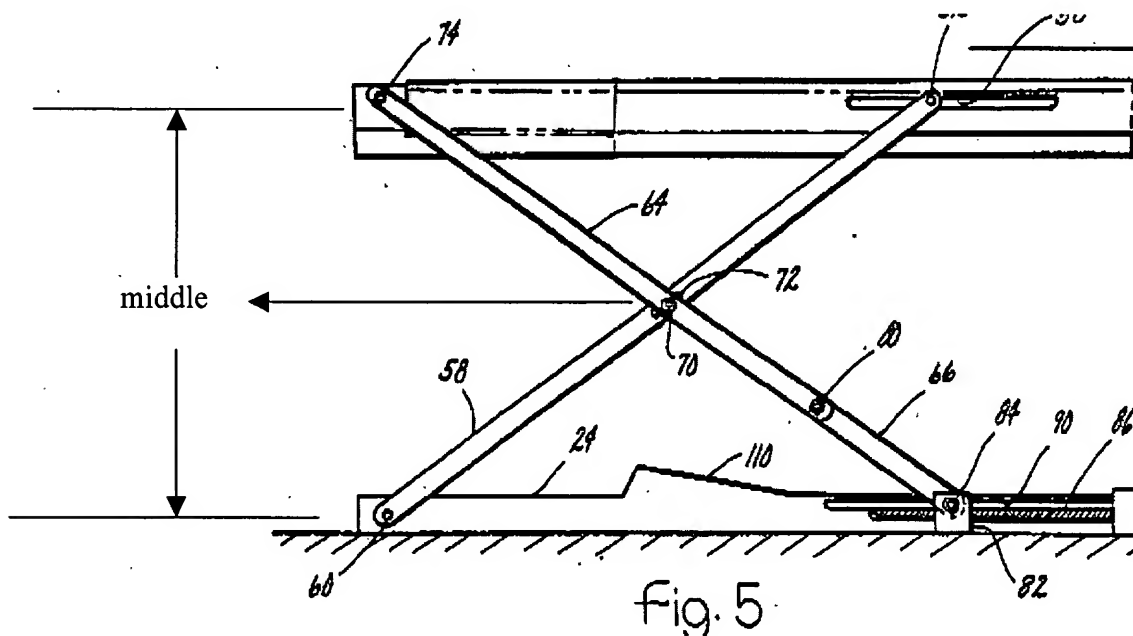
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

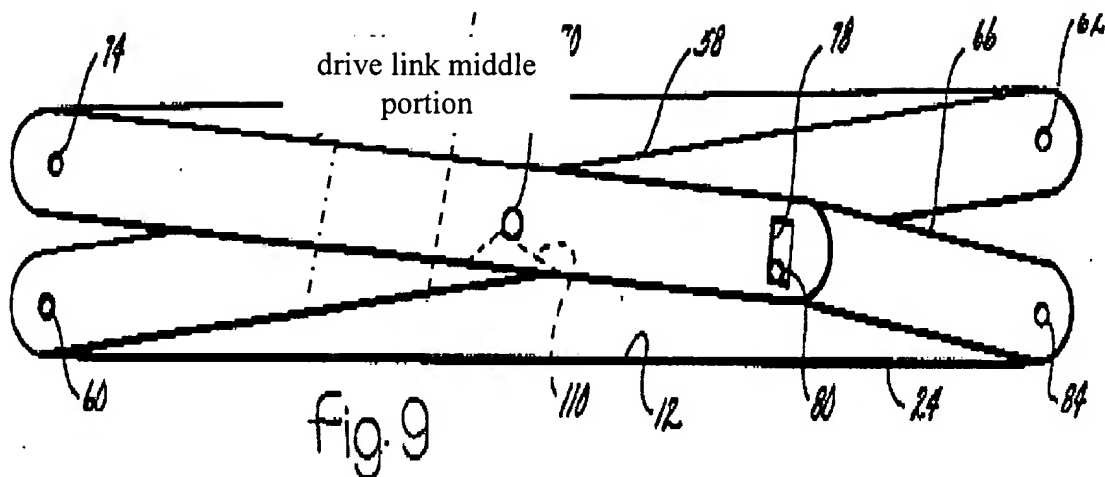
1. Claims 1-2, 5 & 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Pawl (US 4,969,793) (previously cited).

With respect to claims 1 & 13, Pawl discloses a concaved storage portion comprising a transfer mechanism, rail frame 24, drive links 64 connected between a rail

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frame 24 and a plate member 34 and driven links 58 connected between a rail frame 24 and a plate member 34 wherein drive links 64 connect with driven links 58 at a middle point (see FIG. 5 below), a plurality of sliders 24 that engage first ends of drive links 64 through a pair of connecting links 66, 82, a driving mechanism 100 wherein each drive link includes a contacting portion 70 between a drive link middle portion and drive link first end (see FIG. 9 reproduced below) wherein a contacting portion 70 contacts a sloped slider 110 contacting surface. Pawl further discloses that each slider is provided with a transfer guide groove 90, and that there is a rotary connecting portion comprising a pair of connecting links 66, 82 and a slide pin 92.





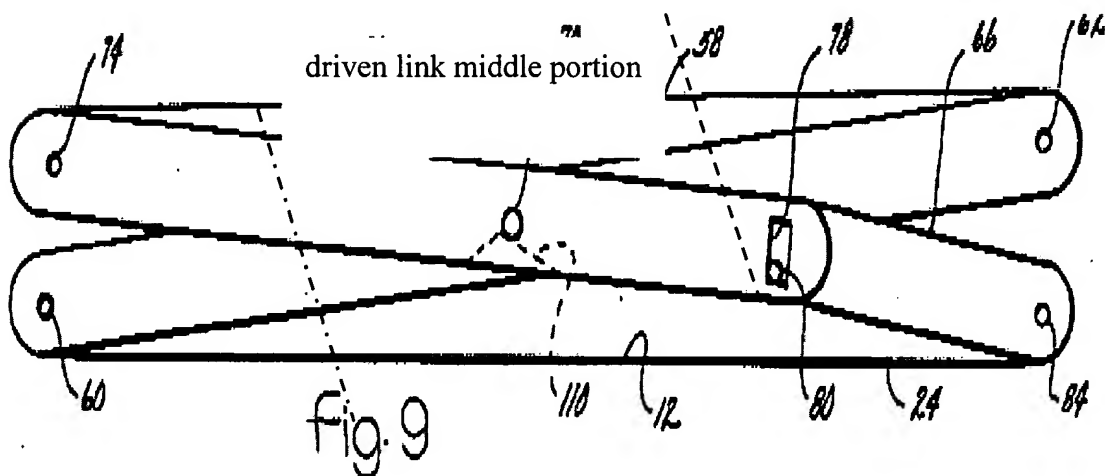
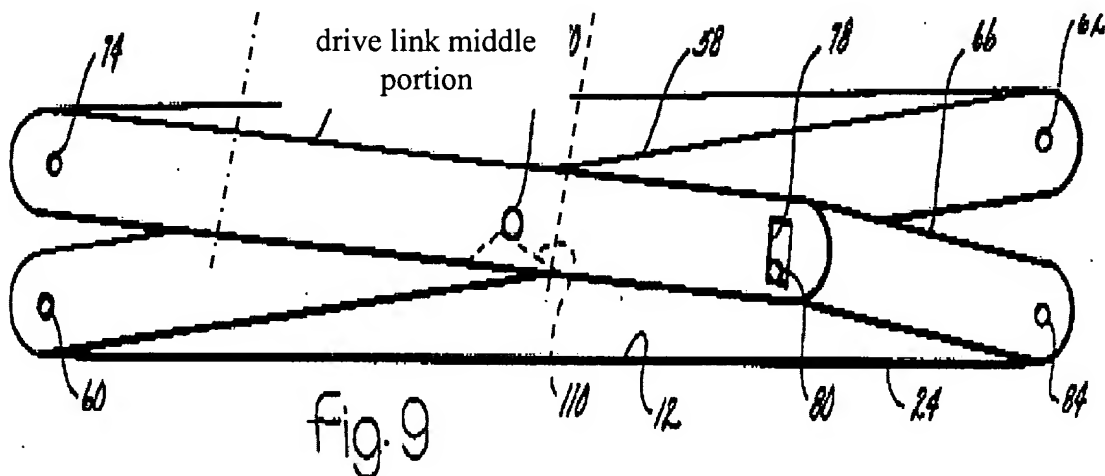
With respect to claim 2, Pawl discloses spare tire portion and a plate member that transfers up and down in a luggage space. It is noted that Applicant's intended use of placement in a spare tire compartment is afforded no patentable weight as it creates no patentable distinction between it and the cited prior art. However, Pawl's mechanism anticipates a spare tire 18 compartment.

With respect to claim 5, Pawl discloses a plate member frame 36 connecting a drive link and driven link and a driving member 102. It is noted that broadly construed "driving member" is something that imparts motion or motive force to another object, e.g. shaft, motor, gear, pulley, cable or belt.

With respect to claim 11, Pawl discloses an initial transfer zone where a contacting portion contacts a contacting surface and a normal transfer zone where driving force is transmitted from a slider.

With respect to claim 12, Pawl discloses drive links that are different length than driven links.

With respect to connecting at a middle point of each drive link. For example, as shown in FIG. 9 reproduced below a middle portion for a drive link is approximated as well as a driven link middle portion.



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

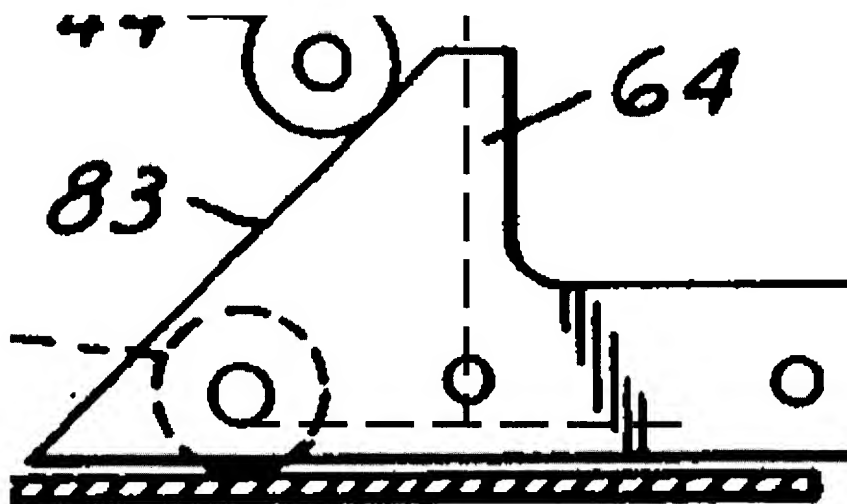
2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pawl (US 4,969,793) in view of Colburn (US 3,752,331) (previously cited). Pawl does not disclose two motors. Colburn teaches two motors 40 for raising a plate "so that the output thereof will be simultaneously utilized to drive both screws thereby raising the platform an equal amount on opposite sides thereof" for accurate load alignment and lifting. Col. 4, Ins. 35-65. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Pawl to include two motors, as per the teachings of Colburn, to provide uniform plate lifting.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pawl (US 4,969,793) in view of Carlsson et al. (US 2002/0070574) (previously cited). Pawl discloses a plate member frame 34 but does not disclose a lock portion or mechanism. Carlsson et al. disclose a lock portion and a locking mechanism, and release 23 to ensure that a plate 7 is locked when in the lowered, closed position, securing goods placed within a storage concave portion. Col. 1, Ins. 5-35; col. 3, Ins. 1-15. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Pawl to include a locking portion and mechanism, as per the teachings of Carlsson et al., locking a lowered plate, securing goods placed within a storage concave portion.

4. Claims 8-9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pawl (US 4,969,793) in view of Smillie, III et al. (US 5,054,578) (previously cited). Pawl discloses and a sub rail 24 for a connecting link 66 and do not disclose a main rail for a

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slider. Smillie, III et al. disclose a rail frame main rail for a T-shaped slider 46, 64 (See FIG. 7 reproduced below). Smillie et al. teach a sub rail to provide a lift for vehicle trunks made of small, space saving components yet overcomes the greatest load which is associated with initially starting movement, or overcoming inertia. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Pawl to include a main rail for a slider, as per the teachings of Smillie, III et al., to overcome the greatest load which is associated with initially starting movement, or overcoming inertia.



5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pawl (US 4,969,793) in view of Mitchell (US 2,249,845) (previously cited). Pawl does not disclose legs or a folding chair. Mitchell disclose a leg set 17 and a folding chair 19 such that camp table can be easily set up or taken down while providing seating capacity for a number of people at said camp table upon retraction from a vehicle. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Pawl to include a leg set and chair with a plate

member, as per the teachings of Mitchell, such that a retractable plate member will provide ready seating at a camp site for a number of people. It is noted that for at least the reason of addressing supporting plate members which extend from a trunk Mitchell is analogous art.

Response to Arguments

6. Applicant's arguments filed January 30, 2006 have been fully considered but they are not persuasive.

With respect to claims 1-2 & 5, Pawl's contacting portion 70 is positioned between a drive link middle point and a drive link first end. For example, Pawl's FIG. 8 shows that contacting portion 70 resides in a left most portion of drive link 64. In other words, the middle point of drive link 64 would approximately lie where the broken line for a sliding portion 110 appears. It is noted that Pawl discloses placement of a contacting surface 110 "in the path of motion of" contacting portion 70 (C4/L31) "when the driving effort is initially toward the pivot point" (C2/L1-2). Thus, as long as a contacting portion contacts a contacting surface during initial driving effort, precise placement along a driving link is irrelevant.

A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case Pawl's sliders 24 are capable of transferring via a slide pin 92, which moves in the longitudinal direction. Pawl further discloses connecting links, contacting surface, contacting portion,

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transfer guide groove and a rotary connecting portion. As noted above, Pawl's sliders 24 include a contacting surface 110.

With respect to claims 4, 6 & 8-10, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, for at least the reason that Pawl, Carlsson, Smillie III and Mitchell disclose raised platforms in cooperation with an automobile loading compartment they are analogous and properly combined. And for at least the reason that Pawl and Colburn disclose motor driven lifting platforms they are analogous and properly combined. Further, Applicant's arguments that Carlsson, Smillie III, Mitchell and Colburn do not include a slider having a contacting surface are irrelevant because Pawl discloses these features.

With respect to claim 6, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

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1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Pawl and Carlsson are analogous for at least the reason that both address lifting platforms in vehicle loading compartments. Further, Applicant's arguments that Carlsson does not include a slider having a contacting surface are irrelevant because Pawl discloses these features.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th., 8:00-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA

 4/17/06
DEAN J. KRAMER
PRIMARY EXAMINER